

## **Petroleum Products Terminals General Permit Summary of Comments & IDEM Responses**

The draft general permit was placed on public notice on December 15, 2014. Several modes of public notice were utilized. Notices were placed in the Indiana Register, in the Indianapolis Star and 6 other large circulation newspapers in the State of Indiana, on IDEM's web site at <http://www.IN.gov/idem/6777.htm>. The full text of the general permit and fact sheet are posted IDEM's web page for NPDES Permits on Notice at (<http://www.IN.gov/idem/cleanwater/2480.htm>) and were sent to the existing permittees via email. During the official public notice comment period, which ended on February 6, 2015, IDEM received comments from the following persons:

Rob Barkholz, Enbridge (RB)

Scott Buckner, Regional EHSS Manager, CITGO Petroleum Corporation (SB)

Eric L. Foster, P.E., Senior Manager, Water Services, KERAMIDA Inc. (EF)

Norman Phillibert, Environmental Professional, Marathon Petroleum Company LP (NP)

**COMMENT 1:** *Page 4 of 29 under Section 1.2 Discharges Authorized/Covered by this permit states that "Permittees who are granted general permit coverage will remain covered under this permit until the earliest of the following:*

*.....b) IDEM's receipt of the permittee's submittal of a Notice of Termination (see Section 5.);" However, Section 5.0 Requesting Termination of Coverage states that "The permittee will continue to be responsible for submitting all reports required by this permit and for remitting annual permit maintenance fees billed according to Indiana Statute IC 13-18-20 until IDEM approves the NOT." Section 5.0 appears to be inconsistent with Section 1.2 which indicates that coverage remains in effect until "IDEM's receipt of the permittee's submittal of a Notice of Termination." (RB)*

**IDEM RESPONSE:** *We have revised 1.2 b to make it clear that permittees are covered, and required to follow all conditions of the permit, until such time that they receive written confirmation from IDEM that their NOT has been approved.*

**COMMENT 2:** *Under 2.1 Discharge Limitations the Sample type sub-column under Monitoring Requirements in Table 1 references "Grab [2]" for Total Residual Chlorine. Note 2 does not make reference to TRC. It appears that the note should be revised, replacing the TSS reference with "TRC." (RB)*

**IDEM RESPONSE:** *IDEM has corrected the typographical errors in Table 1 to completely remove the reference to Footnote 2 from the sample type for Total Residual Chlorine.*

**COMMENT 3:** Under 2.1 Discharge Limitations, it would be helpful if the Sample type was specified for the following Parameters:

Oil & Grease [i.e. Grab]

TSS [for improved clarity, consider using (4-Portion Composite)]

Total Cyanide [for improved clarity, consider using (4-Portion Composite)]

Ammonia as (N) [for improved clarity, consider using (4-Portion Composite)]

Lead [for improved clarity, consider using (4-Portion Composite)]

IDEM may also consider providing clarification in the notes as to the preservation procedures for Total Cyanide and Ammonia (i.e. should each individual sample be preserved prior to compositing or should the final composited sample be preserved).  
(RB)

**IDEM RESPONSE:** These changes to the sampling requirements have been made as requested in Section 2.1 of the permit. Preservation procedures are included in the approved testing procedures. These testing procedures are specified in the permit under section 3.5.

**COMMENT 4:** For clarity, consider revising Note [3] as follows:

“Conditional monitoring requirement applicable only on days when tank bottom water or hydrostatic test water is discharged. When applicable, a person shall conduct sampling for these parameters daily. Sampling must occur during the time of discharge of hydrostatic test water.” (RB)

**IDEM RESPONSE:** This section has been revised to clarify this point.

**COMMENT 5:** For clarity and consistency with Table 1, consider modifying language for Note [3] to reflect that both Monitoring Requirements and Quality or Concentration limitations for Total Residual Chlorine shall only apply when chlorinated intake water is used to hydrostatically test tanks. (RB)

**IDEM RESPONSE:** After reviewing your comments on the proposed administrative general permit for Hydrostatic Testing of Commercial Pipelines we are assuming that this comment is meant to be in regards to Note [7] and not Note [3]. Therefore we have revised Note [7] accordingly per your suggestion.

**COMMENT 6:** Consider changing the word “may” to “shall” in 3.8 a) as follows:

“For parameters with monthly average water quality based effluent limitations (WQBELs) below the limit of quantitation, daily effluent values that are less than the LOQ shall be assigned a value of zero (0).” (RB)

**IDEM RESPONSE:** We have revised section 3.8 per your suggestion.

**COMMENT 7:** Consider eliminating the requirement under (p) that requires the following information to be included in an NOI: “documentation of IDEM pre-approval for the use of any water treatment additives (WTAs) to be used with the hydrostatic test water.” Obtaining pre-approval of all WTAs in association with an NOI is not practical as the dechlorinating agent that may be most appropriate depends upon characteristics of the municipal water being used for the test, which can vary by municipal source. Specific characteristics of the discharge water required to obtain WTA approval, such as temperature or discharge characteristics, cannot be ascertained without knowledge of when the testing is performed, or until the most economical treatment method is determined.

Consider using a procedure and language similar to what is used in the State of Michigan’s general permits : “This permit does not authorize the discharge of water additives without approval from the Department. Approval of water additives is authorized under separate correspondence. Water additives include any material that is added to water used at the facility or to a wastewater generated by the facility to condition or treat the water. In the event a permittee proposes to discharge water additives, including an increased discharge concentration of a previously approved water additive, the permittee shall submit a request to the Department for approval. See [Reference applicable section] for information on requesting water treatment additive use.”

Consider methods and language similar to that in Part 1 Section A.3 of the attached link as a means of having permittees obtain approvals for WTAs.  
[http://www.michigan.gov/documents/deq/wrd-npdes-generalpermit-MIG670000\\_399823\\_7.pdf](http://www.michigan.gov/documents/deq/wrd-npdes-generalpermit-MIG670000_399823_7.pdf) (RB)

**IDEM RESPONSE:** We have added text to Section 6 of the permit to clarify that the permittee may still apply for the use of additives that are deemed necessary by the permittee after he/she has received this approval of coverage under the general permit. The only prohibition IDEM will put on the permittee is that any additive must still receive IDEM approval prior to its use.

**COMMENT 8:** Consider creating an approval system for “select water treatment additives” similar to what is described in the State of Michigan link below. This would allow more expedient approval for commonly used chemical products that are added to condition and treat the water to make it suitable for discharge, and are considered to not adversely affect aquatic life, and can be regulated through a permit with a chemical specific water quality-based effluent limit (WQBEL), using a parameter that mitigates the WTA toxicity (i.e., pH limits that mitigate a pH adjusting WTA).  
[http://www.michigan.gov/deq/0,4561,7-135-3313\\_3682\\_3713-317137--,00.html](http://www.michigan.gov/deq/0,4561,7-135-3313_3682_3713-317137--,00.html) (RB)

**IDEM RESPONSE:** *The process of approving water treatment additives is separate from the permitting process for General Permits. Therefore revising this process is outside of the scope of what we can do as a part of this permit.*

**COMMENT 9:** *Analogous to IAC 327 Rule 6 “Storm Water Discharges Exposed to Industrial Activity,” give consideration to expanding the breadth of the Draft NPDES General Permit for Petroleum Product Terminals to allow a new or existing point source discharge if composed entirely of stormwater and one or more of the following non-stormwater discharges:*

*(A) Discharges from firefighting activities.*

*(B) Fire hydrant flushings.*

*(C) Potable water sources, including waterline flushings.*

*(D) Uncontaminated ground water or spring water.*

*(E) Foundation or footing drains where flows are not contaminated with process materials, such as solvents.*

*(F) Uncontaminated air conditioning or compressor condensate.*

*(G) Vehicle washwaters where uncontaminated water, without detergents or solvents, is utilized.*

*IDEM would need to appropriately modify notes to reflect sampling and monitoring requirements for discharges composed entirely of stormwater and the allowable non-stormwater discharges exposed to the Petroleum Product Terminals activities. (RB)*

**IDEM RESPONSE:** *These wastewater sources may be discharged through outfalls included in permittees coverage under the new administrative general permit. Language has been added to the definition of Petroleum Products Terminals in Section 1.2 of the permit to incorporate this provision. However we reserve the right to require additional or revised sampling and testing parameters as needed.*

**Comment 10:** *My NPDES General Permit No. ING340009 was renewed on January 15, 2015 and becomes effective on April 1, 2015. Will Citgo have to submit a new NOI when the new General Permit is issued to retain coverage? (SB)*

**IDEM RESPONSE:** *All permittees will have to submit new NOIs when the new Administrative General Permit is issued, since they will have to sign it to certify their acceptance of all conditions of the permit, including any new parameters.*

*Also information not contained in the current NOI forms will be required on the new NOI forms, and permittees will need to provide this new information.*

**Comment 11:** *Will the conditions of my current General Permit No. ING340009 change from the requirements listed in 327 IAC 15 Rule 9 to the requirements listed in the new General Permit once the new General Permit is issued? (SB)*

**IDEM RESPONSE:** Yes. The issued general permit shall become effective on November 8, 2015. Entities which are currently covered by 327 IAC 15-9 shall continue to be authorized to discharge under those terms and conditions as set forth in IC 13-18-3-15. IDEM has developed a phased rollout plan to facilitate the transition process for all of the existing general permit holders. We will be contacting each permitted facility/entity individually with further instructions.

**Comment 12:** *(Discharges Covered): In the prior permit it was inferred that stormwater coming into contact with locations where petroleum products are transferred between storage tanks and tanker trucks (i.e. loading racks) were covered under the general permit – is this still the case? (SB)*

**IDEM RESPONSE:** Yes.

**Comment 13:** *The general permit will regulate the discharge of wastewater defined as: “Wastewater discharge associated with Petroleum Products Terminals water means the discharge from any conveyance, used for collecting and conveying wastewater which is directly related to the storage area of the petroleum products terminal. This includes storm water run-off, tank bottom water, and water used for hydrostatically testing the storage tanks or on-site pipelines.” Based on this definition, would the discharge of wastewaters generated by the washing down of loading rack areas require the facility to obtain an individual NPDES permit? Would discharge of wash-down wastewater be allowed under the general permit, if no detergents are used? (EF)*

**IDEM RESPONSE:** *As long as no detergents are used, this washdown wastewater would be covered if it is discharged through one of the outfalls approved under your Administrative General permit coverage.*

**Comment 14:** *For facilities where storm water run-off and water used for hydrostatically testing can co-mingle in onsite retention ponds, will IDEM require that the hydrostatic test water be sampled independently as it leaves the tank or pipe? The designated outfall for such facilities as identified in the NOI is typically the discharge from the retention pond. Would the sample results for samples taken at the point that hydrostatic test water leaves the tank or pipe be reported on the DMR for Outfall 001? (EF)*

**IDEM RESPONSE:** *There is not one answer to this question. IDEM requires sampling to be done at locations that ensure that the sample is representative of the discharge. The location that samples should be taken therefore will depend on the specific situation at each site. This is why we are requiring flow diagrams and site maps for each NOI. We will consider what else is in the retention pond, and what else is discharging to the retention pond, at each location to determine where samples should be taken, and which discharge limits need to be applied.*

**Comment 15:** *Under Monitoring Requirements, the draft permit states that “Grab samples of the Oil & grease and TSS shall be taken of the hydrostatic test water being discharged as it leaves the pipeline or tank being tested or after receiving treatment at the beginning and at the end of the discharge and two (2) times during the discharge at evenly spaced time intervals. All of the grab samples shall be combined into one (1) composite sample at the end of the test period for analysis.” Does IDEM intend to say that the oil & grease samples are to be composited before analysis? In the past, each of the individual grabs were analyzed and the results averaged. (EF)*

**IDEM RESPONSE:** The fact sheet language at the time of public notice was in error. The sampling protocol for oil and grease is as stated in the permit, which says “For Oil & grease, a minimum of four (4) grab samples shall be collected at equally spaced time intervals during a forty-five (45) minute period. Each sample shall be analyzed individually, and the arithmetic mean of the measured concentrations shall be reported as the value for the twenty-four (24) hour period.”

**Comment 16:** *Request that Section 1.2 include allowed non-storm water discharges as described in 327-IAC 15-6-2. The NPDES permit regulates the wastewater discharged by a petroleum products terminal. Section 1.2 captures the major wastewater streams. Other streams that are not a significant contributor of pollutants to a surface water of the state and are naturally mixed with the storm water due to the terminal storm water drainage system are: fire hydrant flushings; potable water sources, including waterline flushings; irrigation drainage; landscape watering; routine external building washdowns; pavement washdowns where spills or leaks of hazardous materials have been removed; uncontaminated ground water or spring water; foundations or footing drains where flows are not contaminated with process materials; uncontaminated air conditioning or compressor condensate; vehicle washwaters where uncontaminated water is utilized; and run-off from the use of dust suppressants. The list of other streams that are not a significant contribution of pollutants to the water of the state was taken from 327 IAC 15-6-2 "Applicability of the general permit rule for storm water discharges exposed to industrial activity." (NP)*

**IDEM RESPONSE:** *These waters will be covered as long as they are discharged through one of the outfalls approved under your Administrative General permit coverage.*

**Comment 17:** Request that IDEM consider inclusion of water discharges from fire-fighting exercises in the NPDES permit. The local fire departments provide emergency response services to petroleum products terminals. To improve the fire departments' response capability the fire departments will request to conduct a fire exercise using hydrant water and fire equipment to fight a storage tank fire. The fire exercise wastewater would be managed per the general NPDES permit. (NP)

**IDEM RESPONSE:** See the response to comment #9. Firefighting exercises fall within the broader category of firefighting activities.

**Comment 18:** Request to revise the total residual chlorine daily maximum limit to 0.06 mg/1. The NPDES permit Table 1 includes a quality of concentration limit for total residual chlorine of a daily maximum of 0.02 mg/1. In foot note [8], it is recognized that the daily maximum water quality based effluent limit for chlorine is less (i.e. more stringent) than the limit of quantification of 0.06 mg/1 for the field analytical methods. It is recommended that the quality of concentration limit for total residual chlorine of a

Daily maximum be equal to the limit of quantification. The revised total residual chlorine of a daily maximum of 0.06 mg/1 would avoid any confusion on whether the measured water quality of the discharge wastewater is compliant with the NPDES permit limit. (NP)

**IDEM RESPONSE:** 327 IAC 5-2-11 specifies that the NPDES permit must include the actual water quality-based effluent limitation, even when that value is less than detectable or quantifiable numbers. 327 IAC 5-2-11.1(f)(1)(A) states that "the permit shall include conditions that state that effluent concentration less than the limit of quantitation are in compliance with the effluent limitations."

**Comment 19:** Request that the NPDES permit does not require that operators be wastewater certified for a petroleum products terminal that does not treat the wastewater. Petroleum products terminals normally do not treat the facility wastewater. Following a visual inspection of the wastewater to ensure that the wastewater is contaminant free, the wastewater is allowed to flow to a collection/holding pond. Prior to the release from the pond the collected water is visually inspected to ensure the water is contaminant free. (NP)

**IDEM RESPONSE:** IDEM is not requiring a certified operator for sites that do not meet the requirements for one. We are only reiterating that if your site meets the requirements (i.e. has a wastewater treatment system) you must retain a certified operator.

**Comment 20:** Regarding Section 8.0 Storm Water Pollution Prevention Plan (SWP3) Request that a petroleum products terminal may have a Spill Prevention Control and

*Countermeasures Plan in lieu of a Storm Water Pollution Prevention Plan.*

*Petroleum products terminals have a Spill Prevention Control and Countermeasures plan as required by the Clean Water Act. The SPCC regulations are in 40 CFR 112. The SPCC requirements overlap the SWP3 requirements with a more comprehensive emphasis on the condition and maintenance of the primary and secondary containment, wastewater drainage control, employee training, operating equipment condition and procedures, and emergency response.*

*An SPCC Plan is comprehensive and includes details on the following: Professional Engineer's certification and certification history*

*SPCC Plan amendment procedures*

*Management approval and review*

*Discussion of the facility's conformance with Part 112 Physical layout and facility diagrams*

*Type of oil and container capacities*

*Discharge prevention measures & Routine Handling Drainage controls and secondary containment Emergency response and discharge countermeasures Disposal methods*

*Contact list and phone numbers*

*Spill notification form*

*Prediction of potential discharge from equipment failure*

*Dikes, berms or retaining walls sufficient to contain spilled oil, "Site and Flow Diagram"*

*Personnel training*

*Designated person who is accountable for discharge prevention Schedule and conduct discharge prevention briefings*

*Security*

*Facility tank car and tank truck loading/unloading rack Brittle fracture evaluation*

*Discussion of conformance with state rules*

*Oil Filled Operational Equipment*

*Facility Drainage- "Site and Flow Diagram"*

*Bulk Storage Containers- Material & Containment Bypass Valves*

*Bulk Storage Tanks- Buried or partially buried metallic tanks. Bulk Storage Tanks- Test & Inspect*

*Bulk Storage Tanks- Internal Heating Coils*

*Bulk Storage Tanks- High level alarms, signals, devices Bulk Storage Tanks- Observe Effluent Treatment Facilities Prompt removal of discharges*

*Mobile or Portable Oil Storage Containers Facility Transfer Operations,*

*Pumping and Facility Process- Buried Piping Protection*

*Facility Transfer Operations, Pumping and Facility Process- Out of Service Piping Controls*

*Facility Transfer Operations, Pumping and Facility Process- Pipe Supports Facility Transfer Operations,*

*Pumping and Facility Process- Inspection of Above Ground Valves Piping, Etc. Facility Transfer Operations,*

*Pumping and Facility Process- Warn All Vehicles Entering Facility (NP)*

**IDEM RESPONSE:** *An SPCC plan deals with preventing catastrophic spillage of petroleum products from above or below ground holding tanks. An SWPPP deals with the prevention of on-site pollutants generated from industrial activities from getting into the sewer system or discharged from an outfall. Therefore since the two plans cover different things, both will need to be developed.*